IN THE HON'BLE HIGH COURT OF JUDICATURE
OF BOMBAY AT PORVORIM, GOA

M.C.A. No. 1854/2024 [F]

in

P.I.L. W.P. No. 15/2022

THE STATE OF GOA …. Applicant

in

THE GOA FOUNDATION …Original Petitioner

V/s

THE STATE OF GOA AND ORS …Respondents

AFFIDAVIT IN REPLY OF THE ORIGINAL PETITIONER

I, Dr. Claude Alvares, secretary of the Petitioner organization above named, do solemnly state on oath as under:

1. I state that I have read and understood the instant Application filed by the State of Goa. I state that the original Petitioner is strongly opposed to the extension of time of 1 year as sought in this Application, which is the exact equivalent of the time granted by this Court in its judgement dt. 24.07.2023 for compliance with Direction (vi).

2. Post the judgement of this Court dt. 24.07.2023, after 3 months lapsed, the petitioner filed M.C.A. No. 23/2024, which is still pending. In this M.C.A., the State Govt. from time to time has filed affidavits assuring the Court that as far as Direction (vi) of the judgement is concerned, every effort is being made to comply with the said direction within the prescribed time period. Even as recently as 10th June 2024, the Learned A.G. stated that steps are being taken to comply with Direction (vi), and every possible endeavour is being made to comply therewith within the prescribed outer limit, which expired on 24.07.2024. It was expected therefore to see a completion or near completion of the exercise of determination and settlement of the rights of Scheduled Tribes and Forest dwellers on the expiry of the 1 year period.

3. It is shocking therefore that the present Application for extension of time discloses that there is barely any progress made in the settlement of rights in the Protected Areas.

4. Out of a total of 800+ claims, the present Application by the State Govt. discloses that from October 2023 till the end of July 2024, only 8 claims have been settled. What is worse is that there are only 2 ROCs appointed to settle more than 800 claims in 3 protected areas. These ROCs are also deputed on various other duties from time to time. Thus, it is seen that there is absolutely no seriousness by the State Govt in complying with the directions of this Hon'ble Court.

5. It may be noted that the process of settlement of rights has been pending for more than 5 decades in the case of the Bhagwan Mahaveer Wildlife Sanctuary [*BMWLS*], and more than 2 decades in the case of the Mhadei and Netravali Wildlife Sanctuaries. In fact, the Hon'ble Supreme Court as far back as 22.08.1997 had directed all State Governments to complete the process of settlement of rights within 1 year, i.e., by 21.08.1998. This Hon'ble Court recorded these facts in its judgement dt. 24.07.2023, and was conscious of this when stipulating a time period of 1 year in direction (vi) of its judgement.

6. It appears therefore that the State seems determined not to bring these settlement of rights proceedings to an end at all. The Petitioner believes that the non-compliance of the State with Direction (vi) of the judgement dt. 24.07.2023 is a fit case for Contempt of Court, and has accordingly filed a Contempt Petition in this regard. The Petitioner requests that the Contempt Petition be taken up along with the instant Application by the State Govt. For these reasons, the Original Petitioner is wholly opposed to the grant of extension of time as sought by the State Govt. in this Application.

7. I solemnly declare and say that what has been stated in paragraphs 1(p), 2(p), 3, 4(p), 5(p) and 6(p) is true to the best of my knowledge and official documents/records, and what is stated in paragraphs 1(p), 2(p), 4(p), 5(p) and 6(p) are in the nature of legal submissions which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

Solemnly affirmed at Porvorim, Goa
This the 21st day of August 2024 Deponent

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